

JOHN OAKASON

IBLA 71-309

Decided August 26, 1971

Oil and Gas Leases: Generally

The Secretary, in the exercise of his discretionary authority respecting issuance of oil and gas leases, may require acceptance of special stipulations as a condition precedent to issuance of such a lease, where the stipulations are designed to protect the soil and surface resources under his jurisdiction and do not interfere unreasonably with the lessee's rights of enjoyment.

National Environmental Policy Act of 1969--Oil and Gas Leases: Generally

It is proper to require one making an oil and gas lease offer to consent to stipulations deemed necessary to protect the land and surface resources from undue damage by exploratory operations, as a condition precedent to issuance of the lease, pursuant to the mandate of the Congress expressed in the National Environmental Policy Act of 1969.

IBLA 71-309 :

U 14846

JOHN OAKASON

: Oil and gas lease offer  
: stipulations required

: Affirmed

### DECISION

John Oakason has appealed from a decision dated May 24, 1971, in which the Utah land office, Bureau of Land Management, required him to agree to a special stipulation as a condition precedent to issuance of oil and gas lease U 14846. The stipulation would require the lessee to notify the district manager, in writing, of any proposed operations on the leasehold which might damage surface resources, scar the public land, or induce soil erosion.

The appellant contends only that an oil and gas lease with special restrictions would interfere materially with the lessee's right to conduct drilling and exploratory operations and could detract from the merchantability of the lease.

The Secretary of the Interior has discretionary authority to issue oil and gas leases under such rules and regulations as he deems necessary. 30 U.S.C. § 189 (1964). Furthermore, he is vested with plenary authority over administration of the public lands, including institution of measures designed to protect those lands and their resources. 43 U.S.C. § 1457 (Supp. V, 1969). He exercises these general powers over the public lands as guardian of the people. United States v. Wilbur, 283 U.S. 414, 419 (1931). Moreover, he is obligated to support and implement the policy expressed by the Congress in the National Environmental Policy Act of 1969. 42 U.S.C. § 4331 (Supp. V, 1969).

The responsibility for management of public land resources, with direction to develop a program to provide for protection of the resources and for a quality environment, has been delegated to the Bureau of Land Management. The requirements set forth in the

subject stipulation are authorized by 43 CFR 3109.4-1 (1971). The stipulation is quite reasonable. It is neither an abuse of the Secretary's authority nor an impediment of any consequence to exploratory operations of the lessee, as alleged by appellant. It should not unduly interfere with lessee's operations, and it comports with the mandate of the Congress in the National Environmental Policy Act of 1969. Oakason is properly required to consent to this stipulation as a condition precedent to issuance of the oil and gas lease sought or face rejection of his lease offer.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior (211 DM 13.5; 35 F.R. 12081), the decision appealed from is affirmed, and Oakason is allowed 30 days from the date of this decision to transmit the required stipulations to the Utah land office, failing in which his lease offer will be rejected without further notice.

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Newton Frishberg, Chairman

We concur:

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Edward W. Stuebing, Member

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Joan B. Thompson, Member

